United Nations A/54/189

General Assembly

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Fifty-fourth session
Item 117 (a) of the provisional agenda*
Human rights questions: implementation of human rights instruments

Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Report of the Secretary-General

1. The General Assembly, by its resolution 39/46 of 10 December 1984, adopted and opened for signature, ratification and accession the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment contained in the annex to that resolution, and called upon all Governments to consider signing and ratifying the Convention as a matter of priority.

2. The Convention was opened for signature in New York on 4 February 1985. In accordance with article 27 thereof, the Convention entered into force on 26 June 1987, on the thirtieth day after the date of the deposit with the Secretary-General of the twentieth instrument of ratification or accession.

3. In its resolution 53/139 of 9 December 1998, the General Assembly welcomed the report of the Committee against Torture;[1] urged all States that had not yet done so to become parties to the Convention as a matter of priority; invited all States ratifying or acceding to the Convention and those States that were parties to the Convention and that had not yet done so to consider joining the States parties that had already made the declarations provided for in articles 21 and 22 of the Convention and to consider the possibility of withdrawing their reservations to article 20; urged all States parties to the Convention to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 of the Convention as soon as possible;[2] urged States parties to comply strictly with their obligation under the Convention, including their obligation to submit reports in accordance with article 19 of the Convention, in view of the high number of reports not submitted; commended the Office of the United Nations High C nmissioner for Human Rights for the support given to States in the preparation of national reports to the Committee; urged States parties to take fully into account the conclusions and recommendations made by the Committee after its consideration of their reports; and requested the Secretary-General to submit to the General Assembly at its fifty-fourth session a report on the status of the Convention.

4. The Commission on Human Rights, at its fifty-fifth session, adopted resolution 1999/32, on 26 April 1999, in which it called upon all Governments to implement fully the prohibition of torture and other cruel, inhuman or degrading treatment or punishment; urged all Governments to promote the speedy and full implementation of the Vienna Declaration and Programme of Action (A/CONF.157/23) and, in particular, of part II, section B.5, relating to freedom from torture, in which it is stated that States should abrogate legislation leading to impunity for those responsible for grave violations of human rights such as torture and prosecute such violations, thereby providing a firm basis for the rule of law; reminded Governments that corporal punishment could amount to cruel, inhuman or degrading

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punishment or even to torture; stressed in particular that all allegations of torture or cruel, inhuman or degrading treatment or punishment should be promptly and impartially examined by the competent national authority, that those who encouraged, ordered, tolerated or perpetrated such acts must be held responsible and severely punished, including the officials in charge of the place of detention where the prohibited act was found to have taken place, and that national legal systems should ensure that the victims of such acts obtained redress and were awarded fair and adequate compensation and received appropriate socio-medical rehabilitation. The Commission also reminded all States that prolonged incommunicado detention might facilitate the perpetration of torture and could in itself constitute a form of cruel, inhuman or degrading treatment; called upon all Governments, the Office of the United Nations High Commissioner for Human Rights and United Nations bodies and agencies, as well as relevant intergovernmental and non-governmental organizations, to commemorate the United Nations International Day in Support of Victims of Torture on 26 June; stressed that, under article 4 of the Convention, acts of torture must be made an offence under domestic criminal law and that acts of torture during armed conflict were considered a grave breach of the Geneva Conventions of 1949, with the perpetrators liable to prosecution and punishment; emphasized the obligation of States parties under article 10 of the Convention to ensure education and training for personnel who might be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment, and called upon the United Nations High Commissioner for Human Rights, in conformity with her mandate established in General Assembly resolution 48/141 of 20 December 1993, to provide, at the request of Governments, advisory services in that regard, as well as technical assistance in the development, production and distribution of appropriate teaching material for the purpose. The Commission stressed in this context that States must not punish such personnel for not obeying orders to commit acts amounting to torture or other cruel, inhuman or degrading treatment or punishment.

5. As at 1 July 1999, the Convention had been ratified or acceded to by 117 States. In addition, 9 States had signed the Convention. The list of States that have signed, ratified or acceded to the Convention, as well as the dates of their signature, ratification or accession, is contained in the annex to the present report.

6. As at the same date, 40 of the States parties to the Convention, namely Algeria, Argentina, Australia, Austria, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Ecuador, Finland, France, Greece, Hungary, Iceland, Italy, Liechtenstein, Luxembourg, Malta, Monaco, the Netherlands, New Zealand, Norway, Poland, Portugal, the Russian Federation, Senegal, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Togo, Tunisia, Turkey, Uruguay, Venezuela and Yugoslavia, had made the declarations provided for in articles 21 and 22 of the Convention. In addition, two States parties, namely, the United Kingdom of Great Britain and Northern Ireland and the United States of America, had made the declaration provided for in article 21 only, thus bringing the total number of declarations under that article to 42. Under article 21, a State party to the Convention may declare at any time that it recognizes the competence of the Committee against Torture to receive and consider communications to the effect that a State party claims that another State party is not fulfilling its obligations under the Convention. Under article 22, a State party to the Convention may declare at any time that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State party of the provisions of the Convention.

7. The provisions of articles 21 and 22 entered into force on 26 June 1987 in accordance with paragraph 2 of article 21 and paragraph 8 of article 22.

8. The seventh meeting of the States parties to the Convention will be convened by the Secretary-General at the United Nations Office at Geneva on 24 November 1999 to elect five members of the Committee against Torture to replace those whose terms of office are due to expire on 31 December 1999. The membership of the Committee for 1999 is as follows:

Name of the member	*Term expires on 31 December*
Mr. Peter Thomas **Burns** (Canada)	1999
Mr. Buibril **Camara** (Senegal)	1999
Mr. Sayed Kassem **El Masry** (Egypt)	2001
Mr. Alejandro **González Poblete** (Chile)	1999
Mr. Andreas **Mavromatis** (Cyprus)	1999
Ms. Ada **Polajnar-Pavcnik**	1999
Mr. António **Silva Henriques Gaspar** (Portugal)	2001
Mr. Bent **Sorensen** (Denmark)	2001
Mr. Alexander M. **Yakovlev** (Russian Federation)	2001
Mr. **Yu** Mengjia (China)	2001

9. The Committee against Torture held its twenty-first and twenty-second sessions at the United Nations Office at Geneva from 9 to 20 November 1998, and from 26 April to 14 May 1999, respectively. In accordance with article 24 of the Convention, the Committee will submit its annual report,[3] covering its activities at the sessions referred to above, to the States parties and to the General Assembly at its fifty-fourth session.

Notes

[1] *Official Records of the General Assembly, Fifty-third Session, Supplement No. 44* (A/53/44).

[2] Adopted by the Conference of States Parties to the Convention on 9 September 1992 in accordance with article 29, paragraph 1, of the Convention (CAT/SP/SR.4) and endorsed by the General Assembly in its resolution 47/111 of 16 December 1992.

[3] *Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 44* (A/54/44).

Annex

List of States that have signed, ratified or acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as at 15 July 1999

State	*Date of signature*	*Date of receipt of the instrument of ratification, accession or succession*
Afghanistan	4 February 1985	1 April 1987
Albania		11 May 1994[b]
Algeria[a]	26 November 1985	12 September 1989
Antigua and Barbuda		19 July 1993[b]
Argentina[a]	4 February 1985	24 September 1986
Armenia		13 September 1993[b]
Australia[a]	10 December 1985	8 August 1989
Austria[a]	14 March 1985	29 July 1987
Azerbaijan		16 August 1996[b]
Bahrain		6 March 1998[b]
Bangladesh		5 October 1998[b]
Belarus	19 December 1985	13 March 1987
Belgium	4 February 1985	25 June 1999
Belize		17 March 1986[b]
Benin		12 March 1992[b]
Bolivia	4 February 1985	12 April 1999
Bosnia and Herzegovina		6 March 1992[c]
Brazil	23 September 1985	28 September 1989
Bulgaria[a]	10 June 1986	16 December 1986
Burkina Faso		4 January 1999[b]
Burundi		18 February 1993[b]
Cambodia		15 October 1992[b]
Cameroon		19 December 1986[b]
Canada[a]	23 August 1985	24 June 1987
Cape Verde		4 June 1992[b]
Chad		9 June 1995[b]
Chile	23 September 1987	30 September 1988
China	12 December 1986	4 October 1988
Colombia	10 April 1985	8 December 1987
Costa Rica	4 February 1985	11 November 1993
Côte d'Ivoire		18 December 1995[b]

State	*Date of signature*	*Date of receipt of the instrument of ratification, accession or succession*
Croatia[a]		8 October 1991[c]
Cuba	27 January 1986	17 May 1995
Cyprus[a]	9 October 1985	18 July 1991
Czech Republic		1 January 1993[c]
Democratic Republic of the Congo		18 March 1996[b]
Denmark[a]	4 February 1985	27 May 1987
Dominican Republic	4 February 1985	
Ecuador[a]	4 February 1985	30 March 1988
Egypt		25 June 1986[b]
El Salvador		17 June 1996[b]
Estonia		21 October 1991[b]
Ethiopia		14 March 1994[b]
Finland[a]	4 February 1985	30 August 1989
France[a]	4 February 1985	18 February 1986
Gabon	21 January 1986	
Gambia	23 October 1985	
Georgia		26 October 1994[b]
Germany	13 October 1986	1 October 1990
Greece[a]	4 February 1985	6 October 1988
Guatemala		5 January 1990[b]
Guinea	30 May 1986	10 October 1989
Guyana	25 January 1988	19 May 1988
Honduras		5 December 1996[b]
Hungary[a]	28 November 1986	15 April 1987
Iceland[a]	4 February 1985	23 October 1996
India	14 October 1997	
Indonesia	23 October 1985	28 October 1998
Ireland	28 September 1992	
Israel	22 October 1986	3 October 1991
Italy[a]	4 February 1985	12 January 1989
Japan		29 June 1999[b]
Jordan		13 November 1991[b]
Kazakhstan		26 August 1998[b]
Kenya		21 February 1997[b]
Kuwait		8 March 1996[b]
Kyrgyzstan		5 September 1997[b]

State	*Date of signature*	*Date of receipt of the instrument of ratification, accession or succession*
Latvia		14 April 1992[b]
Libyan Arab Jamahiriya		16 May 1989[b]
Liechtenstein[a]	27 June 1985	2 November 1990
Lithuania		1 February 1996[b]
Luxembourg[a]	22 February 1985	29 September 1987
Malawi		11 June 1996[b]
Mali		26 February 1999[b]
Malta[a]		13 September 1990[b]
Mauritius		9 December 1992[b]
Mexico	18 March 1985	23 January 1986
Monaco[a]		6 December 1991[b]
Morocco	8 January 1986	21 June 1993
Namibia		28 November 1994[b]
Nepal		14 May 1991[b]
Netherlands[a]	4 February 1985	21 December 1988
New Zealand[a]	14 January 1986	10 December 1989
Nicaragua	15 April 1985	
Niger		5 October 1998
Nigeria	28 July 1988	
Norway[a]	4 February 1985	9 July 1986
Panama	22 February 1985	24 August 1987
Paraguay	23 October 1989	12 March 1990
Peru	29 May 1985	7 July 1988
Philippines		18 June 1986[b]
Poland[a]	13 January 1986	26 July 1989
Portugal[a]	4 February 1985	9 February 1989
Republic of Korea		9 January 1995[b]
Republic of Moldova		28 November 1995[b]
Romania		18 December 1990[b]
Russian Federation[a]	10 December 1985	3 March 1987
Saudi Arabia		22 September 1997[b]
Senegal[a]	4 February 1985	21 August 1986
Seychelles		5 May 1992[b]
Sierra Leone	18 March 1985	
Slovakia[a]		29 May 1993[c]

State	*Date of signature*	*Date of receipt of the instrument of ratification, accession or succession*
Slovenia[a]		16 July 1993[b]
Somalia		24 January 1990[b]
South Africa[a]	29 January 1993	10 December 1998
Spain[a]	4 February 1985	21 October 1997
Sri Lanka		3 January 1994[b]
Sudan	4 June 1986	
Sweden[a]	4 February 1985	8 January 1986
Switzerland[a]	4 February 1985	2 December 1986
Tajikistan		11 January 1995[b]
The former Yugoslav Republic of Macedonia		12 December 1994[c]
Togo[a]	25 March 1987	18 November 1987
Tunisia[a]	26 August 1987	23 September 1988
Turkey[a]	25 January 1988	2 August 1988
Turkmenistan		25 June 1999
Uganda		3 November 1986[b]
Ukraine	27 February 1986	24 February 1987
United Kingdom of Great Britain and Northern Ireland[d]	15 March 1985	8 December 1988
United States of America[d]	18 April 1988	21 October 1994
Uruguay[a]	4 February 1985	24 October 1986
Uzbekistan		28 September 1995[b]
Venezuela[a]	15 February 1985	29 July 1991
Yemen		5 November 1991[b]
Yugoslavia[a]	18 April 1989	10 September 1991
Zambia		7 October 1998[b]

[a] Made the declaration under articles 21 and 22 of the Convention.
[b] Accession.
[c] Succession.
[d] Made the declaration under article 21 of the Convention.

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General Assembly

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Fifty-fourth session
Item 73 of the provisional agenda*
Establishment of a nuclear-weapon-free zone in the region of the Middle East

Establishment of a nuclear-weapon-free zone in the region of the Middle East

Report of the Secretary-General

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General Assembly

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Fifty-fourth session

Request for the inclusion of a supplementary item in the agenda of the fifty-fourth session

Cooperation between the United Nations and the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization

Letter dated 19 July 1999 from the Chargé d'affaires a.i. of the Permanent Mission of Austria to the United Nations addressed to the President of the General Assembly

Upon instructions from my Government, I have the honour to request, in accordance with rule 14 of the rules of procedure of the General Assembly, the inclusion in the agenda of the fifty-fourth session of the General Assembly of a supplementary item of an urgent and important nature entitled "Cooperation between the United Nations and the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization".

In accordance with rule 20 of the rules of procedure of the General Assembly, an explanatory memorandum concerning the request is attached as an annex to the present letter, attesting to the urgency and importance of this matter. It is proposed that this new item be considered in plenary, without reference to a Main Committee.

I further have the honour to request that the present letter and its annex be circulated as a document of the General Assembly.

(*Signed*) Hans Peter **Manz**
Chargé d'affaires
Deputy Permanent Representative
of Austria to the United Nations

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Annex

Explanatory memorandum

I

1. The Comprehensive Nuclear-Test-Ban Treaty of 24 September 1996 (hereinafter referred to as the Treaty) prohibits any nuclear-weapon test explosion and any other nuclear explosion. In its preamble, the States parties to the Treaty recognize that the cessation of all nuclear-weapon test explosions and all other nuclear explosions, by constraining the development and qualitative improvement of nuclear weapons and ending the development of advanced new types of nuclear weapons, constitutes an effective measure of nuclear disarmament and non-proliferation in all its aspects. Thus, the Treaty will contribute to the realization of the purposes and principles of the Charter of the United Nations.

2. The Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (hereinafter referred to as the Commission) was established in New York on 19 November 1996 at the first meeting of States Signatories to the Treaty. The seat of the Commission, which has held eight sessions thus far, is in Vienna.

3. The Commission was established for the purpose of carrying out the necessary preparations for the effective implementation of the Treaty, including ensuring the operationalization of the Treaty's verification regime at entry into force. The Commission established a provisional technical secretariat, which took up its work on 17 March 1997 at the seat of the Commission.

4. In accordance with paragraph 7 of the Text on the establishment of the Commission, the Commission has the authority to negotiate and enter into agreements. The Treaty itself provides for the conclusion of an agreement with the United Nations.

5. The Treaty also provides for the utilization of existing expertise and facilities and to maximize cost-efficiencies through cooperative arrangements with other international organizations.

II

6. In the light of the foregoing, the Commission adopted the decision on 21 April 1999 authorizing the Executive Secretary to enter into negotiations with the United Nations Secretary-General regarding a relationship agreement between the two organizations.

7. In order to regulate the general relationship between the United Nations and the Commission, it is highly desirable that the General Assembly invite the Secretary-General of the United Nations to enter into negotiations with the Commission, with a view to concluding such an agreement, to be applied provisionally pending approval by the General Assembly and the Commission.

8. The conclusion of this agreement is an issue of great urgency. In the process of carrying out the necessary preparations for the effective implementation of the Treaty, the 321 monitoring stations of the International Monitoring System, to be hosted by about 90 States, will either have to be newly built or upgraded to a common standard. The Commission is currently intensifying the process of establishing the Treaty's verification regime, which needs to be capable of meeting the verification requirements of the Treaty at its entry into force. In this process, the Commission is seeking to use existing expertise by cooperating with other international organizations, as provided for by the Treaty. Cooperation with the United Nations and with its programmes and specialized agencies is crucial for the successful preparation of the entry into force of the Treaty. Such cooperation with United Nations programmes and organs, as well as with United Nations specialized agencies, will be greatly facilitated by the conclusion of an agreement regulating the relationship between the United Nations and the Commission.

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General Assembly

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Fifty-fourth session

Request for the inclusion of a supplementary item in the agenda of the fifty-fourth session

Granting of observer status in the General Assembly for the Black Sea Economic Cooperation Organization

Letter dated 9 August 1999 from the Chargé d'affaires a.i. of the Permanent Mission of Greece to the United Nations addressed to the Secretary-General

I have the honour to request, in accordance with rule 14 of the rules of procedure of the General Assembly, the inclusion in the agenda of the fifty-fourth session of the General Assembly of a supplementary item entitled "Granting of observer status in the General Assembly for the Black Sea Economic Cooperation Organization".

The Black Sea Economic Cooperation Organization is an intergovernmental organization with a membership of 11 countries (Albania, Armenia, Azerbaijan, Bulgaria, Georgia, Greece, the Republic of Moldova, Romania, the Russian Federation, Turkey and Ukraine).

In accordance with rule 20 of the rules of procedure of the General Assembly, an explanatory memorandum and the corresponding draft resolution are attached to this request (see annexes I and II).

I should be grateful if you would have this letter circulated as a document of the General Assembly.

(*Signed*) Leonidas **Rokanas**
Counsellor
Chargé d'Affaires a.i.

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Annex I

Explanatory memorandum

Black Sea Economic Cooperation Organization

I. General presentation

1. The Black Sea Economic Cooperation Organization (BSEC) was created in 1992 as an intergovernmental mechanism with the purpose of establishing a network of cooperation in the economic field between its 11 founding member States (Albania, Armenia, Azerbaijan, Bulgaria, Georgia, Greece, the Republic of Moldova, Romania, the Russian Federation, Turkey and Ukraine).

2. According to the first two basic BSEC documents, the Istanbul Declaration and the Bosporus Statement of 25 June 1992, the general principles of the United Nations Charter are evoked along with the principles of good neighbourliness and the peaceful settlement of disputes. The pursuit of peace, security and stability for the Black Sea region, mainly through economic means, has been from the very first the leading principle of the process.

3. BSEC functioned effectively in the form of an intergovernmental forum until 1 May 1999, when it was transformed into a regional international organization, the Black Sea Economic Cooperation Organization, after the entrance into force of the BSEC Charter, which was signed at a Yalta summit meeting, on 4 and 5 June 1998, by the 11 BSEC heads of State or Government. It was decided at Yalta that BSEC in its new institutional form should seek to acquire observer status in the General Assembly.

II. Principles and objectives

4. The BSEC Charter's preamble reaffirms the common will of its member States to adhere to the principles of the United Nations Charter and share the vision of their regional cooperation as part of the integration process in Europe, based on human rights and fundamental freedoms, prosperity through economic liberty, social justice, and equal security and stability, which is open for interaction with other countries, regional initiatives and international organizations and financial institutions.

5. Article 3 of the BSEC Charter sets out the principles and objectives of the Organization, as follows:

(a) To act in a spirit of friendship and good neighbourliness and enhance mutual respect and confidence, dialogue and cooperation among member States;

(b) To further develop and diversify bilateral and multilateral cooperation on the basis of the rules and principles of international law;

(c) To act to improve the business environment and promote individual and collective initiatives by enterprises and companies directly involved in the process of economic cooperation;

(d) To develop economic collaboration in a manner not contravening the international obligations of member States, including those deriving from their membership to international organizations or institutions of an integrative or other nature, and not preventing the promotion of their relations with third parties;

(e) To take into account the specific economic conditions and interests of the member States involved;

(f) To further encourage the participation in the BSEC process of economic cooperation of other interested States, international economic and financial institutions, as well as enterprises and companies.

6. According to article 4 of the BSEC Charter, the areas of cooperation of member States in the BSEC framework are: trade and economic development; banking and finance; communications; energy; transport; agriculture and agro-industry; health care and pharmaceutics; environmental protection; tourism; science and technology; exchange of statistical data and economic information; collaboration between customs and other border authorities; human contacts, combating organized crime; illicit trafficking of drugs; weapons and radioactive materials; all acts of terrorism; illegal migration; or any other related area, following a decision of the Council of Ministers of Foreign Affairs, which is the decision-making organ of the Organization.

III. Organs

7. Chapter V of the BSEC Charter provides for the following principal and subsidiary BSEC organs: the Council of Ministers of Foreign Affairs, working groups (working groups have been operating on agriculture and agro-industry, banking and finance, communications, cooperation in tourism, cooperation in science and technology, energy, electrical networks, environmental protection, exchange of statistical data and economic development), Chairman-in-Office, Troika, Committee of Senior Officials and the permanent international secretariat. The secretariat is endowed with secretariat functions, and its personnel is composed of international civil servants from BSEC member States. The secretariat of the Organization is located at Istanbul. The BSEC Charter also provides, in the framework of the BSEC process, the BSEC-related bodies that perform their functions in accordance with their basic instruments and with due respect to the established principles of BSEC. Related bodies are the Parliamentary Assembly of the Black Sea Economic Cooperation, the BSEC Business Council, the Black Sea Trade and Development Bank, the Academic Cooperation and other BSEC-affiliated centres established upon approval of the Council to serve all the interested member States in specific areas of cooperation.

IV. International relations

8. BSEC has been developing a comprehensive network of international relations. Egypt, Tunisia, Israel, Poland, Slovakia, Italy, Australia, France and Germany have acquired observer status in BSEC. Mutual observer status has been exchanged with the Energy Charter Conference, and a great number of applications for acquiring observer status in BSEC by other interested States, international organizations, as well as non-governmental organizations, is currently under consideration. Productive cooperation has also been taking place, for example, with the European Union, the Southern Cone Common Market, the Economic Commission for Europe, and in the framework of the Stability Pact for South Eastern Europe.

V. Advantages of granting the BSEC observer status in the General Assembly

9. The heads of State or Government expressed at Yalta their conviction that obtaining observer status in the General Assembly would greatly assist future cooperation and achieve more effective results. To this end, acquiring observer status would enable both organizations to promote and enhance their economic and social efforts. It would also contribute to the establishment of common approach and joint policies, thus avoiding both contradictions and duplications in their definition. With this closer association, both organizations would benefit in the pursuit of their goals and principles.

10. Obtaining observer status would furthermore greatly assist BSEC in its efforts, on the one hand to consolidate results already achieved, and on the other to creatively and beneficially promote its goals and principles in the Black Sea region.

Annex II

Draft resolution

Observer status in the General Assembly for the Black Sea Economic Cooperation Organization

The General Assembly,

Considering the importance of the Black Sea Economic Cooperation Organization, an intergovernmental organization dedicated to enhancing mutual respect and confidence, dialogue and cooperation, and economic collaboration among its member States,

Considering also the need, frequently noted by the United Nations, to promote and support every effort towards the development of bilateral and multilateral cooperation on the basis of International Law,

Taking into account that the Black Sea Economic Cooperation Organization Charter stresses regional cooperation as a part of the integrating process in Europe based on human rights and fundamental freedoms, promoting social justice and stability,

Wishing to promote cooperation between the United Nations and the Black Sea Economic Cooperation Organization,

1. *Decides* to invite the Black Sea Economic Cooperation Organization to participate in the sessions and work of the General Assembly in the capacity of observer;

2. *Requests* the Secretary-General to take the necessary action to implement this resolution.

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Fifty-fourth session

Request for the inclusion of a supplementary item in the agenda of the fifty-fourth session

Observer status for the International Institute for Democracy and Electoral Assistance in the General Assembly

Letter dated 6 August 1999 from the representatives of Australia, Barbados, Belgium, Botswana, Chile, Costa Rica, Denmark, Finland, India, Namibia, the Netherlands, Norway, Portugal, South Africa, Spain and Sweden to the United Nations addressed to the Secretary-General

The undersigned representatives of member States of the International Institute for Democracy and Electoral Assistance (International IDEA) have the honour to request, in accordance with rule 14 of the rules of procedure of the General Assembly, the inclusion in the agenda of the fifty-fourth session of the Assembly of a supplementary item entitled "Observer status for the International Institute for Democracy and Electoral Assistance (International IDEA) in the General Assembly".

In accordance with rule 20 of the rules of procedure of the General Assembly, an explanatory memorandum is attached to this request (see annex).

We should be grateful if the item could be allocated to the plenary of the General Assembly.

(*Signed*) Penny A. **Wensley**
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Australia
to the United Nations

(*Signed*) Betty Ann **Russell**
Chargé d'affaires a.i.
Permanent Mission of Barbados
to the United Nations

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(*Signed*) Dirk **Wouters**
Chargé d'affaires a.i.
Permanent Mission of Belgium
to the United Nations

(*Signed*) Leutlwetse **Mmualefe**
Chargé d'affaires a.i.
Permanent Mission of the Republic of Botswana
to the United Nations

(*Signed*) Juan **Larraín**
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Chile
to the United Nations

(*Signed*) Bernd **Niehaus**
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Costa Rica
to the United Nations

(*Signed*) Karsten **Petersen**
Chargé d'affaires a.i.
Permanent Mission of Denmark
to the United Nations

(*Signed*) Marjatta **Rasi**
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Finland
to the United Nations

(*Signed*) Kamalesh **Sharma**
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of India
to the United Nations

(*Signed*) Martin **Andjaba**
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Namibia
to the United Nations

(*Signed*) A. C. M. **Hamer**
Chargé d'affaires a.i.
Permanent Mission of the Kingdom of the Netherlands
to the United Nations

(*Signed*) Arne B. **Hønningstad**
Chargé d'affaires a.i.
Permanent Mission of Norway
to the United Nations

(*Signed*) António **Monteiro**
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Portugal
to the United Nations

(*Signed*) Dumisana Shadrack **Kumalo**
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of South Africa
to the United Nations

(*Signed*) Inocencio F. **Arias**
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Spain
to the United Nations

(*Signed*) Gunnar **Bloom**
Chargé d'affaires a.i.
Permanent Mission of Sweden
to the United Nations

Annex

Explanatory memorandum

The International Institute for Democracy and Electoral Assistance (International IDEA or the Institute) is an international intergovernmental organization, based in Stockholm, Sweden, which was established by the Agreement Establishing the International Institute for Democracy and Electoral Assistance, concluded in Stockholm on 27 February 1995 by 14 foundling member States. It currently has 17 member States (as at 30 June 1999) as well as a non-member State contributor, with outstanding membership applications by several States. Its overall mandate is to promote sustainable democracy and assist democratization worldwide.

More concretely, the objectives of International IDEA are as follows:

- To promote and advance sustainable democracy worldwide;
- To broaden the understanding and promote the implementation and dissemination of the norms, rules and guidelines that apply to multi-party pluralism and democratic processes;
- To strengthen and support national capacity to develop a full range of democratic instruments;
- To provide a meeting place for exchanges between all those involved in electoral processes in the context of democratic institution-building;
- To increase knowledge and enhance learning about democratic electoral processes;
- To promote transparency and accountability, professionalism and efficiency in the electoral process in the context of democratic development.

Within the broad mandate, International IDEA currently has four pillars of activities: rules and guidelines programme, which aims at standard-setting for democratic practices; capacity-building programme, which aims at building democratic capacities in selected countries or regions; applied research programme, which aims at bridging the gap between academia and practitioners by providing meeting places as well as practical research activities within its sphere of competence; and information services on democracy-related issues. In all its activities, International IDEA adopts a non-prescriptive approach to democracy promotion and democratization assistance, and therefore chooses to provide options for democratization rather than a predetermined solution. The work of International IDEA is supported by an international secretariat composed of some 50 staff members, recruited internationally.

The Institute's organs consist of the Council, the Nominating Committee, the Board of Directors, the Secretary-General and the Secretariat. The governing Council gives the overall direction of the Institute's work, reviews the activities of the Institute, and appoints the members of the Board of Directors and the Nominating Committee. The Board of Directors, appointed by the Council, consists of between 9 and 15 members, serving in their personal capacities, who are selected on the basis of accomplishment in the fields of law, electoral techniques and politics and in the relevant areas of academia. The Board of Directors develops the policies of the Institute on the basis of the overall direction given by the Council and appoints the Secretary-General. The Nominating Committee, appointed by the Council, nominates distinguished personalities to serve as members of the Board of Directors for appointment by the Council.

One important feature of International IDEA's work method in democratization assistance is its partnership with other international organizations, as democratization is closely linked to promotion of other substantive policy issues, such as human rights, conflict management, sustainable development, representativeness and inclusiveness and transparency. In this context, the Institute currently has memoranda of understanding or cooperation agreements with the United Nations Development Programme (UNDP), the Inter-Parliamentary Union, the International Commission of Jurists, and the Inter-American Development Bank. International IDEA also works closely with other international or regional organizations, such as various parts of the United Nations (in particular with the Electoral Assistance Division), World Bank, the Organization of African Unity (OAU), the Organization for Security and Cooperation in Europe (OSCE) and the European Union. Given the importance of working with civil society, currently five international non-governmental organizations, which have met the approval of the Council, are also associated with the Institute.

In the coming years, International IDEA will continue to focus in its work programme on several key themes, such as democracy and conflict management, the relationship between democratization, sustainable development and poverty eradication and the right to democracy as a human right. It will also continue to have substantive capacity-building activities in selected countries. In all those work areas, it is believed that an increased exchange with the United Nations would be crucial. While International IDEA has already been working with the United Nations through various arrangements, it considers it desirable to consolidate and strengthen links between the United Nations, and that an observer status in the General Assembly would be mutually beneficial. Consequently, pursuant to a decision taken by its Council and the Board of Directors, International IDEA requests that it be granted observer status in the General Assembly.

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General Assembly

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Fifty-fourth session

Request for the inclusion of a supplementary item in the agenda of the fifty-fourth session

Need to examine the exceptional international situation pertaining to the Republic of China on Taiwan, to ensure that the fundamental right of its twenty-two million people to participate in the work and activities of the United Nations is fully respected

Letter dated 11 August 1999 from the representatives of Burkina Faso, El Salvador, the Gambia, Grenada, Honduras, Liberia, the Marshall Islands, Nicaragua, Saint Vincent and the Grenadines, Senegal, Solomon Islands and Swaziland to the United Nations addressed to the Secretary-General

Upon the instruction of our respective Governments, we have the honour to request you, pursuant to rule 14 of the rules of procedure of the General Assembly, to include a supplementary item in the agenda of the fifty-fourth session of the Assembly entitled "Need to examine the exceptional international situation pertaining to the Republic of China on Taiwan, to ensure that the fundamental right of its twenty-two million people to participate in the work and activities of the United Nations is fully respected". Pursuant to rule 20 of the rules of procedure of the General Assembly, we attach an explanatory memorandum (see annex I) and a draft resolution (see annex II).

(*Signed*) Hilaire **Soulama**
Charge d'affaires a.i.
Permanent Mission of Burkina Faso to the United Nations

(*Signed*) Ricardo G. **Castaneda-Cornejo**
Permanent Representative of El Salvador to the United Nations

(*Signed*) Baboucarr-Blaise Ismaila **Jagne**
Permanent Representative of the Gambia to the United Nations

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(*Signed*) Lamuel A. **Stanislaus**
Permanent Representative of Grenada to the United Nations

(*Signed*) Edmundo **Orellana**
Permanent Representative of Honduras to the United Nations

(*Signed*) Neh **Dukuly-Tolbert**
Permanent Representative of Liberia to the United Nations

(*Signed*) Jackeo A. **Relang**
Charge d'affaires a.i.
Permanent Mission of the Marshall Islands to the United Nations

(*Signed*) Alfonso **Ortega Urbina**
Permanent Representative of Nicaragua to the United Nations

(*Signed*) Dennie M. J. **Wilson**
Permanent Representative of Saint Vincent and the Grenadines
to the United Nations

(*Signed*) Ibra Deguène **Ka**
Permanent Representative of Senegal to the United Nations

(*Signed*) Rex Stephen **Horoi**
Permanent Representative of Solomon Islands to the United Nations

(*Signed*) Moses Mathendele **Dlamini**
Permanent Representative of Swaziland to the United Nations

Annex I

Explanatory memorandum

1. Each side of the Taiwan Strait has been ruled by a distinct and separate Government since 1949.

The Government of the Republic of China, which was founded in 1912, moved to Taiwan in 1949. That same year, the People's Republic of China was established on the Chinese mainland. Since then, the Republic of China on Taiwan and the People's Republic of China on the mainland have coexisted on their respective side of the Taiwan Strait, with neither subject to the other's rule. Over that past half-century, each side has developed its own political system, social values and foreign relations. Therefore, each of these two Governments can only speak for and represent the people actually under its jurisdiction on its respective side of the Taiwan Strait.

2. The General Assembly adopted resolution 2758 (XXVI) in 1971 to confer United Nations membership upon the People's Republic of China. The resolution did not, however, address the issue of representation in the United Nations for the people of the Republic of China on Taiwan.

From 1950 to 1971, the United Nations considered the question of China's representation. The question was considered against the background of political and ideological confrontation created by the cold war. In October 1971, at its twenty-sixth session, the General Assembly adopted resolution 2758 (XXVI), in which it decided that the China seat would be taken by the People's Republic of China. This resolution, however, failed to address the issue of legitimate representation for the people on Taiwan in the United Nations.

3. The Republic of China, a country with significant achievements, is a constructive and responsible member of the international community.

The Republic of China on Taiwan has coexisted with the People's Republic of China on the Chinese mainland since 1949 and has been a successful and responsible member of the international community. In fact:

- The Republic of China has continued to exercise effective rule over its territories of Taiwan, Penghu, Kinmen, Matsu and other islands. It has a population of 22 million and a democratic government. Above all, the Republic of China is a peace-loving country which is able and willing to carry out the obligations contained in the Charter of the United Nations.
- The Republic of China on Taiwan has achieved what many have described as a "miracle" in terms of economic development over the past few decades. It is now the world's nineteenth largest economy in terms of gross national product, and the fourteenth most important trading country. It is also one of the major investors in East Asia and its foreign reserves rank among the top three in the world. All these achievements make the Republic of China on Taiwan, in fact, one of the most successful examples of economic development in the twentieth century.
- The Republic of China is also a humanitarian-minded country. Its international prestige in rendering assistance to developing countries increases daily. Over the years, it has sent over 10,000 experts to train technicians all over the world, especially in Asia, the South Pacific, Latin America and Africa, to help develop their agricultural, fishery and livestock industries. It also has provided over $150 million in disaster relief throughout the world, including mainland China, in the past several years, and has responded to United Nations appeals for emergency relief and rehabilitation assistance to countries that have suffered from natural disasters and wars. Recently, it has pledged a foreign aid package equivalent to $300 million for humanitarian assistance to Kosovar refugees and area reconstruction.
- Currently, the Republic of China on Taiwan contributes capital to regional development

programmes through institutions such as the Asian Development Bank, the Central American Bank for Economic Integration, the Inter-American Development Bank and the European Bank for Reconstruction and Development.

From these major indicators, there is no doubt that the Republic of China has been playing a positive role in promoting world trade and in eradicating poverty. It is indeed a constructive and responsible member, a fact that merits recognition by Members of the United Nations.

4. The Republic of China is a free and democratic country. The United Nations should consider with an open mind the appeal of its 22 million people for their own representation in the Organization.

Resolution 2758 (XXVI), a product of the cold war era, fails to provide for the right of the 22 million people of the Republic of China on Taiwan to representation by their actual and legitimate delegates in the United Nations and its related organizations.

However, tremendous changes have taken place in the past two decades. The cold war has ended, with constructive dialogue and negotiation replacing the hostile confrontation of the past. As an international organization in which every country is represented, where Palestine has achieved a unique status and other entities have been given a place to speak for their peoples, the United Nations should now address this unreasonable and untenable situation.

The Republic of China on Taiwan has carried out a series of political reforms over the past few decades. Today, its people enjoy a high degree of freedom and democracy. It is also determined to find a way to develop cross-strait relations by peaceful means. The Government of the Republic of China on Taiwan seeks a reasonable role in the United Nations and its related organizations by which it can represent the 22 million people on Taiwan. Members of the United Nations should consider with an open mind the appeal of these 22 million people for their participation in that Organization.

5. The participation of the Republic of China on Taiwan in the United Nations poses no barrier to the future peaceful and democratic unification of a divided China; indeed, it can be conducive to regional peace and security.

Since 1949, the Republic of China on Taiwan and the People's Republic of China on the mainland have developed under two different systems of political and social values. The People's Republic of China has never exercised any control over the 22 million people on Taiwan. Therefore, the citizens of the Republic of China on Taiwan are entitled to their own actual and legitimate representation in the United Nations.

The geographical position of Taiwan makes it a focal point of the entire Asia-Pacific region. Accordingly, the stability of the Taiwan Strait and its periphery is vital to the maintenance of peace and security for the region in particular and the world in general. A role for the Republic of China on Taiwan in the United Nations would bring the area under the peace and security mechanism contained in the United Nations, thus enhancing the maintenance of peace and security in the region.

The cases of the now-unified German Democratic Republic and the Federal Republic of Germany and the still-divided Republic of Korea and Democratic People's Republic of Korea serve as precedents for parallel representation of divided nations in the United Nations. The exchanges between the German Democratic Republic and the Federal Republic of Germany via the United Nations and other international organizations contributed not only to regional peace and security, but also to their peaceful unification in 1990. As a universal organization, the United Nations should therefore encourage both sides of the Taiwan Strait to work and cooperate in it and its related organizations.

6. The General Assembly should act to ensure that the voice of the 22 million people on Taiwan is heard in the United Nations and its related organizations.

Resolution 2758 (XXVI) does not constitute a comprehensive, reasonable and just solution. It only settled the issue of representation for the people on the Chinese mainland, while failing to accommodate the aspirations of 22 million people on Taiwan to participate in the work and

activities of the most important global organization, the United Nations and its related organizations.

The exclusion of the Republic of China on Taiwan from the United Nations is anachronistic, unjust and potentially injurious to international peace and security. The United Nations must address this situation in order to ensure that the 22 million people of the Republic of China have a direct and representative voice in the Organization and its related agencies. A role in the United Nations for the Republic of China would benefit that Organization in particular and the international community in general via the mechanisms provided in that Organization.

Annex II

Draft resolution

The General Assembly,

Considering the fact that the twenty-two million people of the Republic of China on Taiwan have no actual and legitimate representative in the United Nations;

Recognizing that, since 1949, the Government of the Republic of China has exercised effective control and jurisdiction over the Taiwan area while the Government of the People's Republic of China has exercised effective control and jurisdiction over the Chinese mainland during the same time period;

Acknowledging that the Republic of China on Taiwan is a constructive and responsible member of the international community, with a democratic system and a strong, dynamic economy, whose participation in the United Nations would benefit the international community;

Observing that the geographical location of Taiwan is vital to the peace and security of the East Asian and Pacific regions;

Mindful of the fact that, while seeking to participate in the United Nations, the Republic of China continues to espouse hope for the eventual unification of China;

Noting the declaration of the Government of the Republic of China on Taiwan that it accepts without condition the obligations contained in the Charter of the United Nations and that it is able and willing to carry out those obligations;

Affirming the significance that recognition of and respect for the fundamental rights of the twenty-two million people of the Republic of China on Taiwan would have for upholding the principles and spirit of the Charter of the United Nations;

1. *Decides* to establish a working group of the General Assembly with the mandate of examining thoroughly the exceptional international situation pertaining to the Republic of China on Taiwan, in order to ensure that its twenty-two million people participate, with a direct and representative voice, in the Organization and its related agencies;

2. *Requests* the working group to commence its work during the fifty-fourth session of the General Assembly, and make appropriate recommendations for an equitable and practical solution to the question of the participation of the Republic of China in the United Nations.